

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 08-20461

Plaintiff,

v.

HON. SEAN F. COX
United States District Judge

FRANK EUGENE ARMSTRONG,

Defendant.

OPINION & ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTIONS TO
SUPPRESS AND/OR DISMISS [Doc. No. 28] AND FOR DIRECTED VERDICT [Doc. No. 29]

Defendant Frank Eugene Armstrong (“Armstrong”) was convicted by a jury of sexually exploiting children and possessing child pornography. Armstrong has been represented in this matter by Attorney Daniel Van Norman since October 10, 2008. A sentencing hearing was held on May 15, 2009, and adjourned to August 14, 2009 to allow the parties to present additional information to the Court.

Despite being represented by counsel, on July 13, 2009 Armstrong, purporting to act *pro se*, filed his “Motion to Suppress and/or Dismiss with Prejudice” [Doc. No. 28]. Again purporting to act *pro se*, Armstrong also filed his “Motion for Directed Verdict of Acquittal” [Doc. No. 29] on July 14, 2009.

Since Armstrong already has counsel, Armstrong seeks to proceed in a “hybrid” fashion, both through counsel and *pro se* by way of the instant motions. *See McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984). Although the Sixth Amendment guarantees defendants the right to conduct their own defense and even represent themselves, *see Faretta v. California*, 422 U.S.

806, 819-20 (1975), the right of self-representation does not include the right to proceed in a hybrid manner. *McKaskle*, 465 U.S. at 183; *see also United States v. Moseley*, 810 F.2d 93, 97-98 (6th Cir. 1987). Accordingly, the Court **DENIES** Armstrong's Motions [Doc. Nos. 28, 29]

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 4, 2009

I hereby certify that a copy of the foregoing document was served upon counsel and/or the parties record on August 4, 2009, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager